

Resolution No.: 18-698
Introduced: January 17, 2017
Adopted: January 17, 2017

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Repeal of Executive Regulation 11-15, Financial Disclosure Statements Executive Branch

Background

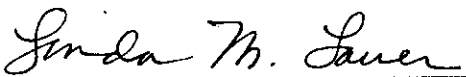
1. On December 19, 2016, the Council received Executive Regulation 21-16, Financial Disclosure Statements Executive Branch. The proposed regulation would repeal Executive Regulation 11-15, Financial Disclosure, which was originally adopted under Method 2 of Section 2A-15 of the Montgomery County Code.
2. Executive Regulation 11-15 identifies statutory and County Executive-designated positions required to file financial disclosure statements, consistent with the County Ethics Law prior to the enactment of Bill 39-14.
3. Bill 39-14 established a new procedure for designation of employees required to file financial disclosure statements, which does not require a Method 2 regulation. Therefore, Regulation No. 11-15 is obsolete.
4. Executive Regulation 21-16 implements the law by repealing this obsolete regulation.

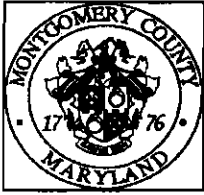
Action

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 21-16, Financial Disclosure Statements Executive Branch, is approved.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Financial Disclosure	Number 21-16
Originating Department Office of the Chief Administrative Officer	Effective Date January 17, 2017

Montgomery County Regulation for

REPEAL OF EXECUTIVE REGULATION No. 11-15, FINANCIAL DISCLOSURE STATEMENTS EXECUTIVE BRANCH

Issued by: County Executive

Regulation No. 21-16

COMCOR No. 19A.17.01

Authority: Montgomery County Code (2014) Section 19A-17

Council Review: Method (2) under Code Section 2A-15

Register Vol. 33 No. 9

Effective Date: January 17, 2017

Comment Deadline: September 30, 2016

Summary: This repeals Regulation No. 11-15 which is obsolete due to changes in the Public Ethics Law enacted by Bill 39-14.

Staff contact: Edward B. Lattner, County Attorney's Office

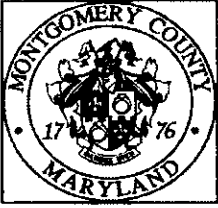
Address: Executive Office Building
101 Monroe Street, Third Floor
Rockville, Maryland 20850

Background: Bill 39-14 established a new procedure for designation of employees required to file financial disclosure statements, which does not require a Method 2 regulation. Therefore, Regulation No. 11-15 is obsolete.

[COMCOR 19A.17.01 Financial Disclosure

19A.17.01.01 Purpose

Montgomery County's Public Ethics Law identifies with specificity certain County positions the occupants of which are required to file financial disclosure statements. The law also authorizes the County Executive to designate additional positions by regulations issued under method (2) after finding that filing a financial disclosure report is desirable to promote the trust and confidence of citizens in their County government. This



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regulation implements the law and identifies statutory and County Executive-designated positions required to file financial disclosure statements.

19A.17.01.02 Definitions

CAO means the Chief Administrative Officer or designee.

County Agency or **Agency** has the same meaning ascribed to it in Chapter 19A of the Montgomery County Code.

Public Employee or **employee** has the same meaning ascribed to it in Chapter 19A of the Montgomery County Code.

19A.17.01.03 Requirement

- A. **Public employees who must file annually.** A public employee holding one of the positions identified in the attached schedule at the end of the calendar year must file a sworn annual financial disclosure statement (public, limited public (LP), confidential, or any other statutorily mandated type of filing) for that calendar year under the Public Ethics Law, Article IV, Financial Disclosure. Positions designated as "LP" must file a limited public annual financial disclosure statement under § 19A-17(a)(6), and, if indicated, a confidential financial disclosure statement.
- B. **Initial Financial Disclosure Statement.** A public employee entering a position on the attached schedule must file an initial financial disclosure statement under § 19A-18(f)(1) within 15 days after the employee begins service in the position, unless, without a break in the continuity of service, the employee's immediate prior position was a filing position in the same Agency. The CAO must submit to the Ethics Commission the identity, position number, job class/working title, user name, email address, Agency, designated reviewer and type of filing required for each public employee who must file an initial financial disclosure statement.
- C. **Final Financial Disclosure Statement.** On or before the employee's last day in the filing position, the employee must submit a final financial disclosure statement under § 19A-18(f)(2). The CAO must submit to the Ethics Commission the identity, position number, and Agency of any public employee leaving a position on the attached schedule.
- D. **Designations of newly identified filing positions/Waivers of filing requirement.** The CAO must submit to the Ethics Commission the identity, position number, job class/working title, user name, email address, Agency, designated reviewer, and type of filing for each public employee who must file an initial financial disclosure statement under Section 19A -18(f)(1) even though the employee or the employee's position is not identified on the attached schedule. The CAO shall submit this information to the Ethics Commission immediately after a determination is made that the employee or the employee's position meets the criteria for filing a financial disclosure statement under Section 19A-17(c) Also, the CAO may, for positions given filing status by County Executive



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designation (rather than by the Montgomery County Code), waive the filing requirement for an employee whose duties no longer meet the criteria for being a filer. The CAO should submit the identity, position number, and Agency to the Ethics Commission immediately after a determination is made that the employee or the employee's position no longer meets the criteria for filing a financial disclosure statement under Section 19A-17(c). All changes to a public employee's filing status made by the CAO must be evidenced by a memorandum attached to the employee's personnel record.

- E. **Effective Date Of Determination.** A determination that an employee's position is deemed to no longer meet the criteria for filing a financial disclosure statement shall become effective once the employee files a final financial disclosure statement.
- F. **Annual Update.** In the next annual issuance of the Montgomery County Regulation on Financial Disclosure Statements Executive Branch, all new designations of positions and waivers of filing requirements made since the last issuance of the regulation should be recommended by the CAO for inclusion in or deletion from the schedule attachment identifying all filing positions.
- G. **Voting Members.** Members of identified boards, commissions, and committees required to file include all voting members, regardless of whether the member is appointed ex-officio.

19A.17.01.04 Facilitating Financial Disclosure Collection

On the first business day of each new calendar year, the CAO shall submit to the Ethics Commission a list identifying each public employee who must file a financial disclosure statement. The list must identify each employee by name, position number and Agency. For confidential filers, the list must also identify the person who will review the employee's financial disclosure statement. For public and limited public filers, the list must identify a contact person. The CAO may require public and limited public filers to file their financial disclosure statements with the CAO by the same date that confidential filers must file their statements with their reviewers. The CAO must forward these financial disclosure statements to the Ethics Commission within 30 days after receipt.]

Approved as to Form and Legality
Office of the County Attorney

By: _____

Ed Hutter

Isiah Leggett
Isiah Leggett, County Executive

Date: _____

12/16/16